

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RICHARD ORTIZ,

Plaintiff,

vs.

CIV. NO. 21-0360 KBM

KILOLO KIJAKAZI, Acting
Commissioner,
Social Security Administration,

Defendant.

ORDER OF REMAND


Defendant, the Commissioner of Social Security (Commissioner), by and through her counsel, has filed an unopposed motion with this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the case for further administrative proceedings. *Doc. 20*. After reviewing Plaintiff's case, the Commissioner submits that remand is warranted. *Id.* Plaintiff does not oppose the requested relief. *Id.*

To remand under sentence four of 42 U.S.C. § 405(g), however, the Court must review the record and determine whether the ALJ's decision is supported by substantial evidence, or whether the ALJ correctly applied the law relevant to the disability claim. *Nguyen v. Shalala*, 43 F.3d 1400, 1403 (10th Cir. 1994). If not, reversal is appropriate. *Id.*

Having reviewed the record in light of the issues Plaintiff raised in his Motion to Remand, the Court finds that the ALJ's decision is not supported by substantial

evidence and that the ALJ did not apply the correct legal standards in determining that Plaintiff is not disabled. Therefore, pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand under sentence four of 42 U.S.C. § 405(g), this Court hereby reverses the Commissioner's decision and remands this matter to the Commissioner. *See Shalala v. Schaefer*, 509 U.S. 292 (1993). Upon remand, the agency will reconsider Plaintiff's claim.

Dated this 25th day of January, 2022.


KAREN B. MOLZEN
United States Magistrate Judge
Proceeding by Consent